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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,335	09/01/2005	Kiyoshi Kanazawa	2005_1379A	3131
52349 7590 02/01/2008 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER NADKARNI, SARVESH J	
			ART UNIT 2629	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/547,335

Applicant(s)

KANAZAWA ET AL.

Examiner

Sarvesh J. Nadkarni

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE : MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/27/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the Amendment filed November 27, 2007 in relation to Application Number: 10/547,335 (hereinafter referred to as “amendment”). Claims 1-39 have been cancelled. Claims 40-48 are newly added. Therefore, claims 40-48 are currently pending.

Claim Rejections - 35 USC § 103

1. Claims 40, 47, 48, 41, 45, 46 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaoka et al., United States Patent Number 6,104,396 (hereinafter referred to as Hanaoka ‘396”) and further in view of Canaday et al., United States Patent Number 6,064,387 (hereinafter referred to as “Canaday ‘387”).
2. Regarding claim 40 (new) Hanaoka ‘396 clearly teaches **a data input apparatus** (see FIG. 2 generally, further described at column 6, lines 38-54) **comprising: a displaying means** (see FIG. 2, generally, further described at column 6, lines 38-64, describing LCD 2) **including a data display area for displaying data and/or a blinking cursor** (see FIG. 2, generally, further described at column 6, lines 38-64, describing LCD 2); **a first operating means for receiving an input of numerical data and/or character data** (see FIG. 2, further described at column 6, lines 38-54, numerical keys 27) **and for displaying the received input on the data display area of the displaying means** (see Fig. 7 further described at column 10 lines 450-50); **a second operating means for executing an operation other than receiving an input of numerical data and/or character data** (see FIG. 2, further described at column 6, lines 38-54, any and/or all of the following: function switches 25, scroll button 26, operation keys 28,

execution/correction key 30); **an inducing means** (see FIG. 7, further described as CPU 1 and further described at column 14, lines 1-30) **for displaying an induction mark by controlling an on/off state of the induction mark** (see column 14, lines 15-30 describing character code "DIAL", further depicted at FIGs. 20 and 21), **the induction mark for drawing a user's attention to the first operating means when an input is required by the first operating means** (see column 14, lines 1-30), **and the induction mark including a figure representing a shape of the first operating means and a figure indicating a location of the first operating means with respect to the induction mark** (see FIGs. 14-28 illustrating icon of the apparatus with keypad visible representation on icon inclusive of induction mark and depicting where first operating means is on device); **and a cursor displaying means for displaying the blinking cursor on the data display area of the displaying means** (see FIGs 20 and 21 further described at columns 14 lines 1-30 describing blinking cursor) **wherein, when the input is required by the first operating means** (see column 14, describing operation of blinking cursor at least at column 1-8 and encourages the user to input a number from keypad 27), **the inducing means (i) controls the on/off state of the induction mark such that the induction mark blinks at a predetermined rate** (see column 14 describing CPU 1 controlling the blinking or turning on and off icons) **wherein, when the first operating means receives the required input, the inducing means controls the on/off state of the induction mark such that the induction mark is not blinking** (see FIG. 1 describing CPU 1 further illustrated in FIGs. 20 and described at column 13, lines 56-end and continued at column 14, lines 1-30), **and wherein the induction mark, the first operating means, and the blinking cursor are arranged such that a distance between the induction mark and the first operating means is less than a distance between the**

blinking cursor and the first operating means (see FIG. 21 illustrating induction mark closer to the input 27 in FIG. 2 when combined with FIG 21 than induction mark in FIG 21 element 38 and neighboring apparatus icon), **and, from the user's point of view, the first operating means is located to the right of the induction mark and the blinking cursor** (see FIG 2 showing the numerical keys to the right of the display screen, placing it to the right of both the induction mark and blinking cursor further described at column 6, lines 38-48).

3. Hanaoka '396 does not explicitly teach the inducing means **synchronizes blinking of the blinking cursor and the induction mark**.
4. In the same field of endeavor, Canaday '387 clearly teaches the inducing means that **(ii) synchronizes blinking of the blinking cursor and the induction mark** (see column 1, lines 51-60 describing icon and cursor blinking in sync).
5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have been motivated to incorporate the method of synchronizing icons to flash as taught by Canaday '387 into the data input device of Hanaoka '396 because both are within the same field of endeavor, and furthermore, because both notify the operator of a change in operation status and encourage action (see Hanaoka '396, column 1 lines 51-55, column 14, lines 15-30; see also Canaday '387 at column 1 lines 34-45).
6. Regarding claim 47 (New) it is similar in scope to claim 40 above. Claim 47 differs however from claim 47 in that it is implemented by **a data input program recorded on a computer-readable recording medium, the data input program for use with a computer**. It would be obvious to one having ordinary skill in the art at the time of invention to implement through software or program on a computer or machine the functions of the device as would be

available in hardware for the commonly understood benefits of adaptability of a device using said program for future modifications and improved deployment of such changes. Therefore claim 47 is similarly analyzed as claim 40 above and is rejected under the same rationale.

7. Regarding claim 48 (New) it is similar in scope to claim 40 above. However, claim 48 differs from claim 40 in that it is implemented by **a data input method for use with an apparatus**. It would be obvious to one having ordinary skill in the art at the time of invention to implement the device as a data input method to facilitate the commonly understood benefits of operation of a data input device and creates the anticipated results as that of the apparatus of claim 48. Claim 48 is therefore rejected under the same rationale of claim 40 above.

8. Regarding claim 41 (New) Hanaoka '396 in view of Canaday '387 clearly teaches **the data input apparatus according to claim 40 (see above), wherein the displaying means includes an induction mark area for displaying the induction mark when the on/off state of the induction mark is controlled by the inducing means** (see Hanaoka '396 in FIG 21 depicting an area for displaying the icon).

9. Regarding claim 45 (New) Hanaoka '396 in view of Canaday '387 clearly teaches **the data input apparatus according to claim 40 (see above), wherein the inducing means turns off a light of the induction mark when an operation of the first operating means is completed** (see Hanaoka '396 column 14, lines 1-30 describing operation of the CPU).

10. Regarding claim 46 (New) Hanaoka '396 in view of Canaday '387 clearly teaches **the data input apparatus according to claim 40 (see above), wherein, when an input is no longer required by the first operating means, the inducing means controls the on/off state of the**

induction mark such that the induction mark remains in the off state (see Hanaoka '396 at least at FIGs. 21-23 and further described at column 14, lines 1-30).

11. Regarding claim 42 (New) Hanaoka '396 in view of Canaday '387 clearly teaches **the data input apparatus according to claim 41** (see above). Hanaoka '396 in view of Canaday '387 does not explicitly disclose **the induction mark area of the displaying means is disposed closer to the first operating means than to the middle of the displaying means**. It would be obvious to place various icons on a display screen closer to the input means as is shown in FIG. 37 in Hanaoka '396 depicting icon 37 closer to function keys in FIG. 2 (see further description at column 6, lines 38-48) in order to appropriate facilitate the commonly understood benefit of communicating to the user the correlation of input device and icon via proximity of input and icon. Furthermore, it is an obvious matter of design choice to one having ordinary skill in the art at the time of invention to determine where an icon may be placed on a screen and may be dependent on various factors including size of display, market costs of materials and manufacturing required, and method and purpose of the intended communication.

12. Claims 43, 44 and rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaoka '396 in view of Canaday '387 as applied to claim 40 above, and further in view of Wittstein et al., United States Patent Number 5,631,947 (hereinafter referred to as "Wittstein '947").

13. Regarding claim 43 (New) Hanaoka '396 in view of Canaday '387 clearly teaches **the data input apparatus according to claim 40** (see above), **wherein, when the numerical data and/or the character data is displayed on the displaying means** (see Hanaoka '396 at least at FIGs 22-23). Hanaoka '396 in view of Canaday '387 does not explicitly teach **the inducing**

means controls the on/off state of the induction mark such that the induction mark is not blinking.

14. In the same field of endeavor, Wittstein '947 clearly teaches **the inducing means controls the on/off state of the induction mark such that the induction mark is not blinking** (see column 14, lines 5-16)..

15. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have been motivated to incorporate the stopping ability as taught by Wittstein '947 into the apparatus of Hanaoka '396 in view of Canaday '387 because all are within the same field of endeavor and furthermore, Wittstein '947 clearly improves operation through visual communication of operating status and a reduction of operator input error, both consistent goals within the art.

16. Regarding claim 44 (New) Hanaoka '396 in view of Canaday '387 further in view of Wittstein '947 clearly teaches **the data input apparatus according to claim 40** (see above), **wherein the inducing means turns on a light of the induction mark after the inducing means stops the induction mark from blinking** (see Wittstein '946 at column 14, lines 5-50, describing the box blinking and then stopping after initial input and staying on until 'ENTER' key is input).

Response to Arguments

17. Applicant's arguments filed November 11, 2007 have been fully considered but they are not persuasive.
18. Regarding Applicant's arguments on page 7-8, Applicant asserts that the references relied upon by examiner fail to disclose or suggest the following features:
- (1) a distance between the induction mark and the first operating means is less than a distance between the blinking cursor and the first operating means and
 - (2) first operating means is located to the right of the induction mark and the blinking cursor.
19. Examiner respectfully disagrees. Hanaoka '396 in FIG. 21 when combined in relation to FIG. 27 clearly illustrates the location of the induction mark in relation to the first operating means and further in relation to the blinking cursor. Furthermore, Hanaoka '396 clearly illustrates the location of the keys in relation to the display screen, and as such, places the first operating means to the right of both induction mark and blinking cursor. Hanaoka '396 further discusses this matter at least at column 6, lines 38-48.
20. Regarding the arguments addressing claims 40-46, 47 and 48, they are fully addressed as stated above.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarvesh J. Nadkarni whose telephone number is 571-270-1541. The examiner can normally be reached on 11AM-7PM EST Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571-272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Sarvesh J. Nadkarni
Examiner – Art Unit 2629


AMARE MENGISTU
SUPERVISORY PATENT EXAMINER